

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	08 CR 562-3
v.)	
)	Judge Michael T. Mason
CRAIG SMITH)	

DETENTION ORDER

The government has moved to detain defendant Craig Smith pending trial of this matter, pursuant to 18 U.S.C. § 3142 on the grounds that he is a serious risk of flight and a danger to the community, and that there are no conditions or combination of conditions that will reasonably assure his appearance. On August 26, 2008, the Court heard argument from the parties on the government's motion. Upon consideration of the arguments, and of the information presented in the report prepared by Pretrial Services, the Court orally granted the government's motion for detention and provided a thorough explanation of its reasoning on the record. In this order, the Court briefly summarize the reasons for that ruling.

1. In determining whether to detain Mr. Smith, the Court considered the nature and circumstances of the offense charged; the weight of the evidence; and Mr. Smith's history and characteristics. 18 U.S.C. § 3142(g).

2. Mr. Smith is charged with knowingly and intentionally conspiring with others to distribute a controlled substance, namely in excess of one kilogram of heroin, a Schedule I Narcotic Drug Controlled Substance, in violation of Title 21 United States Code, Section 846. The Court notes that under Title 18, United States Code, Section 3142(e), there exists

a rebuttable presumption that no condition or combination of conditions will reasonable assure the appearance of the defendant. The Court found that the nature and circumstances of the offense charged weigh in favor of detention because the allegations involve the distribution of significant quantities of a controlled substance and the seizure of firearms over the course of the conspiracy.

3. The Court considered allegations in the Criminal Complaint regarding defendant's membership in the conspiracy, which includes allegations of trafficking wholesale quantities of controlled substances, namely heroin, and allegations of the possession of firearms by defendant and members of the conspiracy. Additionally, the Court notes that Mr. Smith's criminal history includes several bond forfeitures, one as recently as June 2008. Based on this information, the Court found that Mr. Smith poses a significant risk of flight and a danger to the community.

4. Mr. Smith requested that he be released to the custody of his wife who offered to serve as a third-party custodian. The Court considered this request but ultimately found that this condition was not sufficient to reasonably assure Mr. Smith's appearance given the reasons cited above.

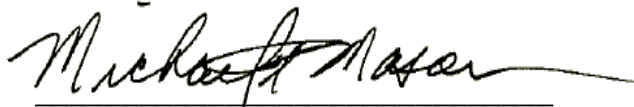
5. Based on the foregoing considerations, the Court finds that Mr. Smith poses a serious risk of flight and a danger to the community, and that no condition or combination of conditions of release would reasonably assure against that risk.

ACCORDINGLY, IT IS HEREBY ORDERED that Craig Smith remain committed to the custody of the Attorney General for confinement in a corrections facility until the resolution of this case or until further order of the Court.

IT IS FURTHER ORDERED that Mr. Smith shall be afforded reasonable opportunity for private consultation with counsel.

IT IS FURTHER ORDERED that on order of a United States Court or upon request of an attorney for the government, Mr. Smith shall be delivered to a United States Marshal for the purposes of an appearance in connection with a court proceeding, trial preparation, or other compelling reason.

ENTER:

A handwritten signature in black ink, appearing to read "Michael T. Mason", written over a horizontal line.

Michael T. Mason
United States Magistrate Judge

Dated: August 26, 2008